

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 320**  
FINAL READING

Introduced by Chambers, 11; Price, 26

Read first time January 11, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Correctional Health Care  
2 Services Act; to amend section 83-4,161, Revised Statutes  
3 Supplement, 2004; to change provisions relating to  
4 screening for communicable diseases; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1.           Section 83-4,161, Revised Statutes  
2 Supplement, 2004, is amended to read:

3                   83-4,161. In developing medical treatment protocols for  
4 the clinics, the medical director shall define the circumstances  
5 under which chronically ill inmates should return to the chronic  
6 care clinics for check-ups and when appointments should be made for  
7 chronically ill inmates to next be examined by health care staff.  
8 In developing and implementing medical treatment protocols for  
9 clinics for the detection and treatment of communicable diseases,  
10 the medical director shall ensure that the medical treatment  
11 protocols include:

12                   (1) Provisions allowing for the routine immunization  
13 against communicable diseases of all inmates upon entering the  
14 custody of the department;

15                   (2) Provisions requiring ~~all inmates~~ each inmate to be  
16 screened for communicable diseases, including (a) human  
17 immunodeficiency virus, (b) hepatitis A virus, (c) hepatitis B  
18 virus, (d) hepatitis C virus, (e) tuberculosis, and (f) sexually  
19 transmitted diseases, ~~both at the time that those inmates enter~~  
20 ~~into the custody of the department and at the time that those~~  
21 ~~inmates leave~~ when the inmate enters into the custody of the  
22 department;

23                   (3) Provisions requiring each inmate to be screened for  
24 (a) human immunodeficiency virus, unless previously tested  
25 positive, (b) hepatitis B virus, unless previously tested positive,  
26 (c) hepatitis C virus, unless previously tested positive, (d)  
27 tuberculosis, unless tested within the immediately preceding year  
28 or previously tested positive, and (e) sexually transmitted

1 diseases, when the inmate leaves the custody of the department. No  
2 such screening shall be conducted without inmate consent;

3 ~~(3)~~ (4) Provisions requiring any inmate in the custody of  
4 the department found to be infected with any of the diseases  
5 referenced in subdivision (2) of this section, when medically  
6 indicated, to be immediately referred to an infectious disease  
7 specialist for appropriate treatment;

8 ~~(4)~~ (5) Provisions describing in detail those  
9 circumstances when it is medically desirable, because of risk to  
10 other noninfected inmates, to segregate, on an individual basis,  
11 any inmate found to be infected with the human immunodeficiency  
12 virus and also describing those circumstances when there is no  
13 longer a perceived medical need to continue the segregation of such  
14 an inmate;

15 ~~(5)~~ (6) Provisions requiring that all health care staff  
16 who provide health care services be screened for communicable  
17 diseases, including (a) human immunodeficiency virus, (b) hepatitis  
18 A virus, (c) hepatitis B virus, and (d) hepatitis C virus, upon  
19 their entry into the employment of the department, and that all  
20 health care staff also be screened annually for tuberculosis; and

21 ~~(6)~~ (7) Provisions allowing for employees of the  
22 department who come into immediate personal contact with the  
23 inmates to be immunized for hepatitis B virus.

24 Sec. 2. Original section 83-4,161, Revised Statutes  
25 Supplement, 2004, is repealed.